

REMARKS

I. Claim Status

Claims 1-3 and 10-17 are currently pending and stand rejected.

Claims 4-9 are herein cancelled.

Claims 10-15 and 17 were previously withdrawn from consideration, in response to the Restriction Requirement dated October 26, 2007, as being drawn to non-elected subject matter.

Thus, claims 1-3 and 16 remain to be examined on the merits.

II. Claim Amendments

Claim 1 has been amended to delete non-elected subject matter.

Claim 16 has been amended to delete, without prejudice or disclaimer, the term "cancer".

Claim 16 has also been further amended to define cancers selected from the group consisting of lung, prostate, pancreas and fibrosarcoma. Support for this amendment comes from the Specification as filed at Table 5.

No new matter has been added.

III. Claim Objections

Claim 1 is objected to as containing non-elected subject matter. Claim 1 has been amended to delete the non-elected subject matter. Applicants further thank the Examiner for the acknowledgement of allowable subject matter in claim 1.

Claims 2 and 3 are objected to as being dependent on an objected-to claim. With the amendment to claim 1, claims 2 and 3 should be allowable.

Applicants respectfully request reconsideration and withdrawal of this rejection.

III. Claim Rejections

35 U.S.C. § 112, First Paragraph

Claim 16 stands rejected as failing to comply with the enablement requirement. The Examiner contends that no enablement can be found in the Specification as filed for the treatment of any and all cancers. Applicants respectfully traverse.

Without conceding the correctness of the Examiner's position or the need for amendment, the term "cancer" has been deleted without prejudice or disclaimer, and replaced with a non-limiting listing of specific cancers which find support at Table 5. Applicants thus respectfully request reconsideration and withdrawal of this rejection.


CONCLUSION

In view of the foregoing amendments and remarks, applicant believes the pending application is in condition for allowance, and earnestly solicits same.

If the Examiner believes that any remaining issues could be resolved through the filing of a Supplemental Amendment or an Examiner's Amendment, the Examiner is respectfully invited to contact the undersigned at the telephone number indicated below.

Dated: June 26, 2008

Respectfully submitted,

By 
Louis J. DeJuidice
Registration No.: 47,522
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant